

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TERESA JACOBSON,

Plaintiff,

v.

BNSF RAILWAY COMPANY,

Defendant.

CASE NO. C18-1722JLR

ORDER STRIKING PLAINTIFF'S
RESPONSE TO DEFENDANT'S
MOTION TO EXCLUDE WITH
LEAVE TO REFILE

Before the court is Plaintiff Teresa Jacobson's response (Resp. (Dkt. # 42)) to Defendant BNSF Railway Company's ("BNSF") *Daubert* motion to exclude the testimony of Ms. Jacobson's expert, Dr. Ernest Chiodo (Mot. (Dkt. # 36)). The court STRIKES Ms. Jacobson's response with leave to file an amended response that complies with the court's Local Rules.

Ms. Jacobson's brief in opposition to BNSF's motion is 21 pages long, excluding the caption and signature block. (*See generally* Resp.) Under this District's Local Rules, motions and responsive briefs exceeding twelve pages in length are allowed only for the

1 types of motions listed in Local Rule 7(e)(3): motions for summary judgment, motions to
2 dismiss, motions for class certification, motions for a temporary restraining order,
3 motions for preliminary injunction, and motions aimed at changing the forum. Local
4 Rules W.D. Wash. LCR 7(e)(3). Except for these motions, or as otherwise provided by
5 court order or rule, other motions noted under Local Rule 7(d)(3) and responsive briefs
6 shall not exceed twelve pages in length. Local Rules W.D. Wash. LCR 7(e). This
7 twelve-page limit applies to motions to exclude expert testimony. *See* Local Rules W.D.
8 Wash. LCR 7(d) & (e). Thus, Ms. Jacobson's response brief does not comply with this
9 court's Local Rules.

10 Because the outcome of BNSF's motion to exclude may be dispositive in this
11 matter (*see* BNSF's motion for summary judgment (Dkt. # 38) at 2), the court will allow
12 Ms. Jacobson an opportunity to cure her violation of the Local Rules. The court
13 admonishes Ms. Jacobson's attorneys that it will not be as forgiving of violations of the
14 Local Rules in the future.

15 For the foregoing reasons, the court ORDERS as follows:

16 1. The court STRIKES Ms. Jacobson's response to BNSF's motion to exclude
17 (Dkt. # 42). Ms. Jacobson may file an amended response to BNSF's motion to exclude
18 that complies with the Local Rules by no later than Monday, November 23, 2020. BNSF
19 may file a reply to Ms. Jacobson's amended response by no later than Monday,
20 November 30, 2020.

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Dated this 18th day of November, 2020.

JAMES L. ROBERT
United States District Judge